

Robert C. Lemke
779 Azores Circle
Bay Point, California 94565

Denied without prejudice to renew upon consent of the
Government and probation.

SO ORDERED.

November 16th, 2023

Dated: 9/4/24
New York, New York

Alvin K. Hellerstein
ALVIN K. HELLERSTEIN
United States District Judge

Hon. Alvin K. Hellerstein
United States District Judge
500 Pearl Street
New York, New York 10007

RE: United States v. Robert Lemke
21 Cr. 100 (AKH)

Request and Motion for Order to Vacate & Withdraw from Probation-Mandated Substance-Abuse Treatment

Honorable Alvin K. Hellerstein:

I write a second time to respectfully request and move this Court to amend my Judgment and vacate, or allow for my withdrawal from, probation-mandated substance-abuse treatment, or, issue an Order allowing for my substance abuse treatment to continue with my current providers, namely the Von Steiff Medical Group, in which I am under the excellent care of Dr. Fred Von Steiff, Dr. Richard Carpenter and Dr. Kristina Carpenter, a team who are triple-board certified in Addiction Medicine, Family Medicine, and Industrial Medicine, [hereinafter and collectively, "Von Stieff Medical Group"].

I have been under the excellent care of the Von Stieff Medical Group since September, 2017, and reached sobriety through the use of the Sinclair Method and medication-assisted treatment in July, 2018. I have maintained sobriety since that time, through the use of medication-assisted treatment, also known as "MAT". The Sinclair Method is categorized as medication-assisted treatment, although its approach is unique from that of most MAT.

I am not requesting to vacate, or be exempt from, the testing condition of my sentence and judgment, and will remain in full compliance with that condition.

In advance, I want the Court and Your Honor to understand that I am always willing to communicate effectively and cooperate with the United States Probation Service and this Court. I have no intention to cause any tensions or difficulties for Your Honor, or the United States Probation Service. I look forward to successfully completing my probation and respectfully interacting with all staff involved. As such, I have

assured the United States Probation Service that I am willing to complete counseling sessions with the HOPE Program until Your Honor makes a decision on this second motion and request.

Background of Second Request & Motion

On September 13th, 2023, I submitted a letter and motion to Your Honor requesting and moving this Court to either vacate the substance abuse treatment condition of the Judgment, or, allowing me to continue treatment with my current providers, namely the Von Stieff Medical Group, that provides medication-assisted treatment (“MAT”) and the Sinclair Method.

On September 27th, 2023, Your Honor requested that the Government consult with Probation and advise the Court by October 11th, 2023.

On or around October 9th, 2023, Probation Officer Shonte Brittle contacted me via electronic mail, and informed me that Your Honor and the Government wished to allow me to continue treatment with the Von Stieff Medical Group *in lieu* of the HOPE Program, which is the usual probation-mandated substance abuse provider for the Northern District of California. The only caveat was that Officer Brittle requested that I sign a medical-release so that she could obtain updates from the Von Stieff Medical Group as to my compliance with the Sinclair Method and MAT. I agreed to the medical release, and signed and provided that release to Officer Brittle on or around October 14th, 2023.

On or around November 14th, 2023, I received a call from Supervisory Probation Officer Nicole Brown, and subsequently responded to her concerns and requests via electronic mail to maintain a record of our communication. Officer Brittle is on a leave-of-absence until December 4th, 2023, and as such, Officer Brown is covering Officer Brittle’s duties and caseload.

Officer Brown explained, that irregardless of the prior stipulation between Your Honor, the Government, and Officer Brittle, that I am, in-fact, still required to participate in the HOPE Program and that the Von Stieff Medical Group will not suffice as a substitute for the HOPE Program and conventional counseling. Supervisory Officer Brown disregarded the stipulation between Your Honor, the Government and Officer Brittle.

Officer Brown seemingly denied that I filed a motion with the Court, denied that Your Honor stipulated that I am to continue treatment with my current and longtime addiction specialists at the Von Stieff Medical Group *in lieu* of the HOPE Program, and refused to research the matter involving the stipulation as of the writing of this motion and letter. Supervisory Officer Brown was not satisfied with my current providers at the Von Stieff Medical Group and acted as though the Sinclair Method and medication-assisted treatment (“MAT”) was invalid and ineffective.

In conclusion, Supervisory Officer Brown interjected into a matter that was already resolved between Your Honor, the Government and my probation officer, Officer Shonte Brittle.

Due to the nature of this matter and continuing arising disputes, I respectfully request that the Court and Your Honor amend the Judgment, and vacate the substance-abuse treatment condition altogether, or, issue an Order allowing for my substance-abuse treatment to continue with my current providers, namely the Von Stieff Medical Group.

The HOPE Program

The HOPE Program provides cognitive-behavioral therapy ("CBT") and counseling services for mental health and substance abuse treatment conditions. To the contrary, the Von Stieff Medical Group, who have been my addiction specialists since 2017, and helped me achieve and maintain sobriety, provide Medication-Assisted Treatment.

Scientific-based and psychiatric-based evidence has demonstrated that medication-assisted treatment, or MAT, is a much more effective method of treatment than CBT. As a matter of fact, statistics demonstrate that MAT methods, such as the Sinclair Method, have upwards of an 80% success rate for reaching and maintaining sobriety, while CBT and counseling methods have less than a five-percent success rate, on average.¹

The HOPE Program is veiled as a not-for-profit 501(c)3 that contracts with the United States Probation Service for the Northern District of California. When researching the HOPE Program online, various websites tout very poor reviews and numerous complaints, including with the Better Business Bureau.

In good faith, despite my intention to move the Court to either vacate my substance abuse condition, or allow me to continue treatment with the Von Stieff Medical Group, on or around September 15th, 2023, I attended an orientation at the HOPE Program's Concord office. My mother attended the orientation with me. The staff were highly unprofessional, untrained and unorganized. It took approximately 45-minutes for the coordinator to find and print my paperwork, which consisted of various forms and screening questionnaires. They were unable to answer several key questions regarding the program's success rate, therapies used, and funding criteria.

It was my conclusion that the HOPE Program is providing subpar care, veiled as useful therapy, to secure tax dollars from the United States Probation Service. Several investigative reports that can be found online, such as those from Human Rights Watch, have revealed other such programs and the underlying corruption that exists between these private, non-profit mental health clinics, and Federal and state probation offices.

¹ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4866634/>

These government contractor organizations, veiled as non-profit organizations that “help” formerly incarcerated individuals, entrap formerly incarcerated individuals on probation, into a cycle of therapy sessions, continuing to bill the United States Probation Service large sums of money to do so, and as a result, rob the taxpayer. All the while, they have very poor success rates, largely due to underpaid and under-trained staff, and outdated techniques. Once again, therapy has proven highly ineffective for substance abuse treatment, as substance abuse is a brain-based, neurochemical disease that requires psychiatric care.

The Sinclair Method & Medication-Assisted Treatment (MAT)

The Sinclair Method uses the pharmaceutical drug naltrexone, and a gamma-aminobutyric acid agonist, such as pregabalin or gabapentin, to correct and reverse neurochemical imbalances that lead to alcohol addiction and alcohol-use disorder, (“AUD”).

The Sinclair Method is considered a Medication-Assisted Treatment (“MAT”) approach. This approach holds that the result of addiction is caused by neurochemical imbalances in the brain, which are typically genetic, but may also take place aside from genetics, such as from heavy use of alcohol. This psychiatric-based approach demonstrates that two neurochemicals are predominantly the cause of alcoholism and alcohol-use disorder, (“AUD”), in particular, glutamate and gammaamino-butyric acid (“GABA”).

Either through a combination of genetics and/or heavy alcohol use over time, levels of glutamate in the brain rise to high levels, while GABA levels are lowered. In the case of genetics, the individual is predisposed to alcoholism because levels of glutamate are already high, and levels of GABA are already low. When alcohol is introduced to the system, it corrects these neurochemical imbalances, lowering levels of glutamate and peaking levels of GABA, creating the feeling of calm, normalcy, and happiness. As such, endorphins are released, and bind to the opiate receptors in the brain.

Over time, the binding of endorphins to the opiate receptors creates addiction, and it becomes a learned behavior to consume alcohol to gain positive feelings, such as calm, normalcy and happiness. These neurochemical imbalances, typically rooted in the genetic imbalance of GABA and glutamate, is the underlying cause of alcoholism and AUD.

In the case of an individual without genetic predisposition to GABA and glutamate imbalance, heavy drinking over time will mimic the same effect, distorting neurochemical imbalances by raising GABA and lowering glutamate.

When drinking stops or ceases, glutamate spikes to astronomical levels, and GABA crashes to extremely low levels. This is what creates alcohol withdrawal, which can be life threatening. Alcohol withdrawal consists of symptoms, such as tremors, hallucinations, anxiety and confusion. Alcoholics will self-medicate the withdrawal by introducing alcohol back into the system, which in turn raises GABA and lowers glutamate, ridding themselves of the alcohol withdrawal and feeling normal again. This reinforces the addiction, and over time, the neurochemicals (GABA and glutamate) rely on the introduction of alcohol into the system to balance themselves properly.

In conclusion, AUD and alcoholism is an entirely brain-based disease and the result of neurochemical imbalances. AUD and alcoholism *is not* a cognitive or behavioral disease that can be resolved through willpower, therapy or counseling.

The Sinclair Method has proven highly effective at reversing these neurochemical imbalances, by introducing medication which stabilizes GABA levels, coupled with a medication that blocks the reward of the endorphins reaching the opiate receptor. The medications most commonly used are gabapentin and naltrexone. Gabapentin stabilizes the GABA neurochemical in the brain, while naltrexone blocks the endorphins released during drinking from reaching and binding to the opiate receptor.

When an alcoholic drinks while taking naltrexone, they do not experience euphoria or pleasure. Over time, the alcoholic no longer has a desire to drink whatsoever, because there is no euphoria or pleasure experienced. This is known as “pharmaceutical-extinction”. The brain “unlearns”, or forgets, its connection to alcohol.

Many practitioners and addiction specialists have concluded that the Sinclair Method is a cure for AUD and alcoholism, such as Dr. Roy Esakapa, who wrote the book, “The Cure for Alcoholism: The Medically Proven Way to End Alcohol Addiction”.

Information on Request & Motion to the Court

In furtherance, Your Honor ordered at my sentencing hearing on December 20th, 2021 that I *not* participate in a mental health treatment program.² Counseling with a therapist, such as that offered by the HOPE Program, may be veiled as a substance-abuse treatment program, when in fact, it is nothing other than CBT, or cognitive-behavioral therapy, and thus constitutes a mental health treatment program.

Your Honor initially ordered that I participate in a substance abuse treatment program since I suffered from Alcohol Use Disorder (“AUD”) and alcoholism prior to 2017. Your Honor acknowledged my sobriety, and Your Honor stated at my sentencing hearing that I have a low risk of future substance abuse.³

² Sentencing Transcript Page 49

³ Sentencing Transcript Page 48

Upon objection and request of my attorney, Julia S. Gatto, it was later stipulated at the sentencing hearing by Your Honor that I be allowed to continue my current, psychiatric-based and addiction medicine-based models and courses of treatment, namely the Sinclair Method, rather than a probation-mandated program, such as the HOPE Program⁴

I am currently under the excellent and wonderful care of Dr. Fred Von Steiff, Dr. Richard Carpenter and Dr. Kristina Carpenter in Concord, California. Dr. Fred Von Steiff has authored addiction-medicine books and all my doctors are triple board certified in Addiction Medicine, Family Medicine and Industrial Medicine. While still suffering from alcoholism and AUD, I read Dr. Von Steiff's book, "Brain in Balance: The Neurochemistry Behind Addiction and Sobriety". The book saved my life, and led me to Dr. Von Steiff's office, which is ironically five-minutes from my residence. The book asserts, with concrete scientific references, that addiction is a brain-based, neurochemical disease, not a cognitive or behavioral disorder.

The Sinclair Method, which utilizes a psychiatric-based model, allows for neurochemical re-balancing. I also began a course of psychiatric medications to correct the chemical imbalances that are the scientific cause of depression, anxiety and other emotional conditions that can lead to substance abuse, or at the very least, worsen substance abuse issues. The psychiatric-model concludes that mental health is chemical health, or more specifically, chemical balancing. CBT, or cognitive-behavioral-therapy, such as that offered at the HOPE Program, has a very poor success rate; and when considering cognitive-based models such as therapy, group counseling and "12-Step" programs, those too have very poor success rates.

The psychiatric model has improved my life immensely, and for that, I am grateful, as are my family and friends. As such, I wish to, and respectfully request that I may, continue the evidence-based psychiatric course of treatment I currently receive, namely the Sinclair Method, with the Von Steiff Medical Group.

Conclusion

I am not requesting exemption from drug and alcohol testing. I am willing to submit to any type and frequency of drug and alcohol testing required or requested by the United States Probation Office.

In addition to being under excellent care with my addiction specialists at the Von Steiff Medical Group, I have made great strides in attending to my mental healthcare and wellbeing. I have secured an excellent psychiatrist, Dr. Janak Sachdev, as well as an excellent primary care physician, Dr. Eureka Wu. In addition, due to my multiple sclerosis, I am also under the care of neurologist Dr. John Karan. I have a wonderful team of healthcare professionals that are dedicated to my continued care and treatment and overall health.

⁴ Sentencing Transcript Pages 50-51

Once again, I want the Court and Your Honor to understand that I am always willing to communicate effectively and cooperate with the United States Probation Service and this Court. I have no intention to cause any tensions or difficulties for Your Honor, or the United States Probation Service. I look forward to successfully completing my probation and respectfully interacting with all staff involved. As such, I have assured the United States Probation Service that I am willing to complete counseling sessions with the HOPE Program until Your Honor makes a decision on this second motion and request.

My intention here is to be an advocate for the Sinclair Method and medication-assisted treatment ("MAT"). I would like to see courts implement the Sinclair Method and MAT rather than traditional substance abuse treatment programs that utilize cognitive-behavioral therapy and other counseling techniques, which have proven highly unsuccessful in the treatment of addiction. To the contrary, the Sinclair Method and other MAT methods have proven highly successful in treating addiction, and leading people to happier, more productive lives.

Irregardless of Your Honor's decision, it has been a pleasure for me to explain and advocate for the Sinclair Method and its high success rate in treating alcoholism and alcohol-use disorder ("AUD"). The Sinclair Method saved my life, and I can only hope that via this motion, I am somehow able to save other lives in the process.

As always Your Honor, I thank you for your time, and Your Honor's dedication and commitment to this great Nation.

WHEREFORE, I respectfully request and move this Court to vacate my substance abuse treatment condition and amend my Judgment, or allow for my withdrawal from probation-mandated substance abuse treatment and issue an Order allowing for my substance abuse treatment to continue with my current providers, namely the Von Steiff Medical Group.

Respectfully,

A handwritten signature in black ink, appearing to read "Robert C. Lemke", with a long horizontal flourish extending to the right.

Robert C. Lemke

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SAT 18 NOV 2023 FN

HON. ALVIN K. HELLERSTEIN
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